

Treece, Kansas Relocation Assistance Program Plan

July 19, 2010

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Treece, Kansas Relocation Assistance Program Plan

The United States Environmental Protection Agency (EPA) Regions VI and VII coordinated with the Kansas Department of Health & Environment's (KDHE) Bureau of Environmental Remediation (BER) to develop a program to assist with the relocation of residents and businesses in the community of Treece, Kansas (See Attachment A, Figure 1 - Area Location Map). This document helps lay out an approach for the Treece Relocation Assistance Trust (Trust) and KDHE to meet the goals of the Program. The Trust consists of five trustees appointed by the Governor of Kansas and confirmed by the Kansas Senate. KDHE's program and project managers will work closely with the trustees by providing administrative and technical support to assist the relocation efforts. This relocation effort includes both residential and business properties. Any relocation of residents in Treece is not subject to the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.

1. Background

EPA Region VI signed a Record of Decision (ROD) for Operable Unit 4 (OU4) - Chat Piles, Other Mine and Mill Waste, and Smelter Waste at the Tar Creek Superfund Site on February 20, 2008. The City of Treece residents adopted a resolution on March 13, 2006, expressing their desire to be included in the Picher, OK relocation. Kansas Department of Health and Environment (KDHE) and EPA staff met with the Treece residents on June 5, 2006 to discuss the options for a buyout. During the 2007 Kansas Legislative Session, House Bill 2168 was enacted and published in the statute book as Kansas Statutes Annotated (K.S.A.) 49-511 through 49-517, that created a state public trust to administer relocation assistance to the citizens of Treece, Kansas. On October 29, 2009, H.R. 2996: Department of the Interior, Environment, and Related Agencies Appropriations Action, 2010 became Public Law 111-88. Section 430 of Public Law 111-88 encouraged EPA to consider all appropriate criteria relating to the buyout and relocation of residents of properties in Treece, Kansas. On April 13, 2010, EPA approved an Explanation of Significant Difference for the aforementioned ROD to offer relocation to the residents of Treece, Kansas, as part of its remedy for OU4 of the Tar Creek Site. Governor Mark Parkinson appointed the TRA Trustees on March 2, 2010. The trustees were confirmed by the Kansas Senate on May 6, 2010. Governor Mark Parkinson signs the Kansas FY11 budget bill on May 27, 2010 that provides \$350,000 in state funds to match the federal allotment.

2. Funding

EPA is providing \$3.5 million to the Kansas Department of Health & Environment (KDHE) to fund the buyout of qualified occupants in the affected area. KDHE will fund \$388,888 for a 10% match. The total available for the relocation project is \$3,888,888. KDHE and EPA Region VI negotiated a cooperative agreement that allows the use of *in-kind* services to be applied to the state match for this project. In-kind services include KDHE's labor and expenses incurred during the administration of the Program.

Costs incurred by the State to offset the cost-share requirements will be verified by KDHE and will be submitted to EPA in accordance with regulations provided in 40 CFR Part 35 Subpart O,

“CAs and SSCs for Superfund Response Actions”. The amount of credit will be limited to the site-specific expenses that EPA determines to be reasonable, documented direct activities or out-of-pocket expenditures that have not been reimbursed previously by EPA.

3. KDHE

KDHE will manage the KDHE Treece Buyout Relocation Cooperative Agreement(s) with EPA Region VI. The cooperative agreement provides funding from EPA for the relocation efforts. KDHE's Section Chief overseeing the Cherokee County Superfund Sites will serve as the Relocation Program Manager. The contact information is as follows:

Relocation Program Manager:

Bob Jurgens, Section Chief
1000 SW Jackson, Suite 410
Topeka, KS 66612-1367

Phone: 785-296-1914

e-mail: bjurgens@kdheks.gov

Relocation Project Manager:

Ryan Singer, Environmental Scientist
1000 SW Jackson, Suite 410
Topeka, KS 66612-1367

Phone: 785-296-1990

e-mail: rsinger@kdheks.gov

Any changes to KDHE program and project management will be provided in writing to EPA and the Trust within 5 working days.

Environmental Use Controls (EUC) will be filed on property acquired by the Trust as authorized in K.S.A. 65-1, 221 through 65-1, 235. EUCs are institutional controls that are a legal means of restricting or prohibiting human activity and property use to prevent or reduce exposure to contamination and will be compatible with the remedy selected in the ROD. The anticipated EUC includes preventing future occupancy of the property. KDHE will be the agency responsible for implementation and enforcement of this institutional control. The EUCs shall be in effect until the State formally determines that the property is safe for reuse.

3.1 Relocation Program Manager

KDHE designated Bob Jurgens as the Relocation Program Manager for the duration of this project. The program manager will assist the Trust on program-level administration, grant applications for funds provided by EPA and agency reporting requirements. Duties of the Manager will be further defined following discussion with the trustees, but may include:

- Develop a Program Plan to assist with general operations affecting the relocation efforts.
- Develop a grant request program to facilitate transfer of funds from the EPA Cooperative Agreement(s) to the Trust for relocation efforts.
- Assist the Trust by attending public meetings to answer funding availability questions, including the Cooperative Agreement with EPA.
- Attend key Trust meetings on a periodic basis, or as needed. Typically attend meetings to answer Program level questions or review grant requests.
- Manage KDHE's Treece Buyout Cooperative Agreement(s) with EPA, including completing all state reporting requirements required by such agreement(s).

- Receive grant requests from the Trust and review periodic reporting requirements for such grants.
- Supervise the KDHE Relocation Project Manager's efforts related to this project.
- Assist with coordinating transfer of purchased property to an entity chosen for long-term care.

3.2 Relocation Project Manager

KDHE designated Ryan Singer as the Relocation Project Manager for the duration of this project. The project manager will be assigned to assist on project level efforts with the Trust, as needed, including environmental assessment and financial appraisal of structures prior to disposition, as well as contractor oversight, and periodic Trust reporting tasks. The project manager can provide the Trust with the information they desire to make informed decisions on relocation applications. Duties of the project manager will be further defined following discussion with the trustees, but include:

- Serve as KDHE's primary point of contact (POC) with the Trust and attend periodic meetings.
- Serve as primary public POC, including receiving all applications.
- Assist with coordinating public meetings.
- Assist trustees with grant applications, including periodic reporting requirements.
- Assist with developing applications for relocation assistance.
- Manage a repository for property information such as: relocation applications, appraisals, ownership, property details, etc.
- Prepare property information reports for trustees, as requested when considering relocation assistance requests.
- Assist with requests for proposals (RFP) for appraisals, demolition, utility disconnects, etc.
- Assist with coordinating site visits for appraisers, contractors, etc.
- Oversee appraiser and contractor projects at the request of the Trust.
- Assist with development of EUCs for the Trust for property purchased during this relocation effort.

4 Treece Relocation Assistance Trust (Trust)

Per K.S.A. 49, 511-517, the Treece Relocation Assistance Trust (Trust) was formed to administer relocation assistance to the residents in the affected area. The Trust, with assistance from KDHE will provide for tasks and duties to initiate the buyout and relocation of residents, including the demolition and/or relocation of houses, businesses, and public use structures. The Trustees were confirmed by the Senate on May 6, 2010. The trustees are Gene Bicknell, Jim Dahmen, John Delmont, Eddie Hamilton, and Betty McBride.

4.1 Support Personnel

Rather than fund a separate manager, clerical, professional, legal and technical assistance staff, KDHE may provide program and project support personnel as noted in section 3.2. KDHE expenses can be applied to the state match as *in-kind* services as detailed in the EPA/KDHE cooperative agreement. This will also assist KDHE in meeting its match requirements for these relocation efforts. The Trust will determine what administrative activities they will choose to contract locally. Anticipated administrative contract duties include: legal advice, accounting, and recording/preparing meeting minutes.

4.2 Trustee Pay

Per the 2010 Kansas House Bill No. 2544 and K.S.A. 2009 Supp. 49-512, the trustees shall be deemed public officers and paid amounts from funds of the Trust for per diem compensation as provided in K.S.A. 75-3212, and amendments thereto, for members of the legislature, for each day of actual attendance at any meeting of the Trust. The standard per diem of \$88.66/day was reduced by 5% to \$84.23/day in accordance with H. Sub. SB 572. The trustee's pay will be funded through grants detailed in Section 4.3.

Trustees will submit a Payment Voucher to the Trust secretary/treasurer to request payment in accordance with the TRA Trust decision on June 8, 2010. Payments shall be approved as noted in the by-laws.

4.3 Grant Awards

Per K.S.A. 49-513, KDHE is authorized to make grants to the Trust to be used to provide relocation assistance and to purchase property as provided in K.S.A. 2008 Supp. 49-514, and amendments thereto, to persons relocating from an affected community and assistance to public school districts as provided in K.S.A. 2008 Supp. 49-515, and amendments thereto.

Funding will be provided from the KDHE/EPA Cooperative Agreement(s) as sub-awards in the form of grants to be provided by KDHE to the Trust for trustee pay, appraisals, demolition activities by construction contractors, purchase of property, relocation moving expenses, site restoration, changes to the utility system, etc.

KDHE will enter into a contract with the Trust with payments being processed for anticipated costs. An initial payment will be advanced for general Trust operating expenses. A proposed expenditure report will be prepared to request funds for planned upcoming costs with an affidavit of expenditures and accompanying information supporting the cost breakdown submitted by the Trust to KDHE for additional payments, as needed.

Monthly expenditure reports and annual audits prepared by the Trust for the governor, speaker of the House of Representatives and president of the Senate shall be also be reported to KDHE to help comply with federal reporting requirements. All grant allocations shall be reviewed and approved by KDHE to ensure consistency with the Cooperative Agreement(s) work plan and relevant state and federal statutes. KDHE central office staff will provide general oversight of the expenditures through this grant process and the Manager's will interact with the Trust's routine activities.

4.4 Trust Duties

The Trust, in coordination with KDHE, will provide for the voluntary relocation of residents and businesses and demolition and/or relocation of houses and commercial properties. This work will be conducted in areas related to the Tar Creek Superfund Site Relocation Assistance Zone in and near the City of Treece, Kansas.

4.4.1 Officers: Formal organization of the Trust was completed by the trustees on June 8, 2010 to comply with the requirements of K.S.A. 49-512 through 49-517.

Chair: Gene Bicknell (As appointed by Governor Parkinson on 5/13/10)

Vice-Chair: Betty McBride

Secretary/Treasurer: James Dahmen

Asst. Secretary: Bob Jurgens, KDHE

4.4.2 Fund Management - K.S.A. 49-512(e): Every Trust member and employee who handles funds of the Trust shall furnish bond or other good and sufficient security in an amount and upon such terms as established by the state committee on surety bonds and insurance pursuant to K.S.A. 75-4101 et seq., and amendments thereto, but in no event shall any bond or other security be required of a trustee. The cost of the bond shall be paid from funds of the Trust. The Trust at its discretion may hire an accounting firm to assist with payment of expenses. As a condition of the cooperative agreement, KDHE is required to provide detailed accounting of expenditures for the program funding to our federal partners at EPA.

4.4.3 By-Laws - K.S.A. 49-512(f): The trustees adopted bylaws on June 8, 2010 for the administration and regulation of the affairs of the Trust. The bylaws were submitted in writing to the governor and approved by the governor on July 12, 2010.

4.4.4 Meetings, Facilities and Data Management - K.S.A. 49-512(h): Meetings of the trustees shall be subject to the Kansas Open Meetings Act. Records of the Trust and minutes of meetings of the Trust shall be written and kept in a place, the location of which shall be recorded in the office of the secretary of state, and shall be subject to the Kansas Open Records Act. The Trust shall file a monthly report of all expenditures with the governor, the speaker of the House of Representatives and the president of the Senate. Facilities and/or services of any kind shall be secured necessary or convenient for the functioning of the Trust.

4.4.5 Property Ownership - 49-512(i and j): Any real or personal property may be acquired and held in the name of the Trust as specified in KSA 49-512. When acquired, any conveyance, assignment or other transfer shall be made in the name of the Trust by the chairperson of the Trust, attested by the secretary of the Trust, with the seal of the Trust affixed thereto. Any conveyance, assignment or other transfer of any estate in real property, executed by a Trust, must be acknowledged by the president or chairperson of

the Trust subscribing the name of the Trust thereto, which acknowledgment shall be in substantially the form provided in the uniform law on notarial acts. Any instrument of conveyance, assignment or other transfer executed in the name of the Trust pursuant to this act and bearing a signature which purports to be the signature of the chairperson of the Trust, shall be deemed prima facie evidence that the conveyance, assignment or other transfer is the act of the Trust and the trustees thereof, that it was duly executed and signed by the chairperson of the Trust who was a trustee of the Trust and that the instrument conforms in all respects to the requirements of law, and such conveyance, assignment or other transfer shall be admissible in evidence without further proof of execution. Recommendations for long-term ownership and property management will be dependent upon the number and location of properties purchased during the voluntary relocation efforts.

- 4.4.6 Audit - 49-512(g):** The trustees shall cause an audit to be made of the financial statements of the Trust within 30 days after the close of each fiscal year of the Trust after approval of a contract with KDHE. The fiscal year shall be begin on July 1st and end on June 30th of the following year. The expense of the audit shall be paid from funds of the Trust. The Trust annually shall file with the governor and the legislature copies of financial documents and reports sufficient to demonstrate the fiscal activity of the Trust, including, but not limited to, budgets, financial reports and audits. Amendments to the adopted budget shall be approved by the trustees of the Trust and recorded as such in the official minutes of the Trust.

5 Relocation Assistance

Treece residents are eligible for voluntary relocation assistance regardless of property ownership. Renter relocation will be run concurrently with property owners to facilitate the quickest relocation of occupants for the Treece relocation area. Only properties in an approved Treece Relocation Area approved by EPA are eligible for relocation assistance. Per K.S.A. 49-514(h), a person shall not be eligible for assistance pursuant to this act with respect to property used for mining or for removal, storage or sale of mined materials or mine waste or byproducts.

Per K.S.A. 49-514(i), payments may be made to any eligible person but not more than one payment shall be made with regard to any single dwelling or commercial or nonprofit premises, except that, if the dwelling or premises are rented, one payment may be made to a renter and one payment may be made to an owner.

As noted throughout K.S.A. 49-514, renters must produce a valid rental contract or other proof of rental arrangement to be eligible for relocation assistance. Acceptable proof of rental will be determined following discussion with the trustees.

Multiple renters in one living unit will be eligible for relocation based on the cost to relocate one affected party. Prior to payment of relocation assistance, the multiple renters must provide a breakdown of the percentage of the rent and moving expenses to be paid to each party.

5.1 Prioritization

Prioritization will be based on multiple aspects, but primarily based on the time the applicant has occupied property in Treece and the date of the application submittal. *The Trust reserves the right to alter the prioritization plan during the term of the relocation project.* The City of

Treece residents adopted a resolution on March 13, 2006, expressing their desire to be included in the Picher, OK relocation efforts; therefore March 13, 2006 is a key date in the Prioritization Plan. For the purposes of the prioritization plan, residential property owner/occupants, landlords (own the property, but do not reside at that location) and renters are considered “residents”. Renters and their landlords are eligible for relocation at the same time.

Non-residential buildings, such as detached garages, utility sheds, livestock buildings and other unoccupied buildings may be included in the buyout if considered by the Trust to be part of the same property as the primary residence or business.

Residents and business property owners who moved out of their property at any time after January 28, 2010 in anticipation of this buyout are still considered to be occupied properties assuming the structure is still in inhabitable condition. *Note: January 28, 2010 was the date of the first KDHE/EPA public meeting held after federal funding was approved by the federal government for this relocation project. This is considered a date that residents were reasonably confident the relocation efforts were expected to happen. Some residents and business owners began their search for a new property with the sincere hopes their property would be purchased during the pending buyout.*

Owners with multiple non-contiguous properties may at the Trust’s discretion be eligible for buyout of all property based on the primary residence/business prioritization, regardless of occupancy provided the property has been owned by the applicant on or prior to March 13, 2006. Example: Assuming all property was purchased prior to March 13, 2006; John Doe owns a primary residence at one address and a business, vacant home, and three empty lots at different locations. The Trust may choose to offer the owner a one-time buy out for all their properties. Any property owned by John Doe purchased after March 13, 2006 must wait and follow the normal prioritization outlined below.

5.1.1 Priority Phase 1

Phase I of the relocation assistance will be offered to:

- Residents and businesses continuously occupying their subject property on or prior to March 13, 2006, within the Treece city limits. The Treece city limits is defined as Webber (Grove) Road to the north, Treece Road/State Line to the south, Prospect Road to the west, and Columbus Road to the east (see Attachment A, Figure 2 – Treece City Map), *and*
- Residents outside the city limit who have potable water supplied by the City of Treece public water supply system. The only known residents located outside the city limits and supplied by the Treece city water system are along Webber (Grove) Road, SW 10th Street, and Starr Road.

Applications for Phase I Prioritization relocation assistance shall be received by KDHE no later than August 31, 2010 or other deadline as determined by the Trust. The following priorities apply with Phase I and are anticipated to run concurrently.

First Priority: Occupied residences in the city limits. Includes renters and owners.

Second Priority: Occupied businesses in the city limits. Includes business renters and owners. This category does not include private storage structures.

Third Priority: Private storage structures, unoccupied structures and vacant lots. Note: Inhabitable homes that have been unoccupied prior to January 28, 2010 will be considered a storage structure unless the owner can prove they have been actively trying to sell or rent out the home or business.

5.1.2 Priority Phase II

Phase II of the relocation assistance will be offered to:

- Anyone who did not submit an application, but was eligible under the previous Phase I Prioritization;
- Residents and businesses who established occupancy within any of the areas **after** March 13, 2006.

Phase II applications will be received beginning November 1, 2010. The application deadline for Phase II Prioritization relocation assistance will be set at a later date, but is expected to be no later than December 31, 2010. The following priority applies with Phase II.

First Priority: Anyone who has not submitted an application, but was eligible under the previous Phase I Prioritization.

Second Priority: Occupied residences meeting the requirements noted above (Priority Phase II). Includes renters and owners.

Third Priority: Occupied businesses meeting the requirements noted above (Priority Phase II). Includes business renters and owners. This category does not include private storage structures.

Fourth Priority: Private storage structures, unoccupied structures and vacant lots meeting the requirements noted above (Priority Phase II). Note: Inhabitable homes that have been unoccupied prior to January 28, 2010 will be considered a storage structure unless the owner can prove they have been actively trying to sell or rent out the home or business.

Residents and businesses who established residency within any of the areas **after** March 13, 2006 may be paid an amount equal to the price paid plus 5% per year, uncompounded, since the year of purchase.

Applications for relocation assistance will not be accepted after the Phase II deadline.

5.2 Applications

Residential and Non-Residential Relocation Assistance application forms for owners and/or renters requesting voluntary relocation assistance are available in Attachment C. The application forms will be made available at Treece City Hall, via download at KDHE's Treece Buyout web site and mailed upon request, or as decided by the Trust.

All applicants will be required to certify under penalties of perjury that all information contained in the application, including all attachments, is correct and complete to the best of their knowledge. Applicants shall attest that they resided at the address listed on the application form. They must agree to fully cooperate with the Trust in providing any additional information that may be necessary to verify their qualification for relocation assistance, and grant to the Trust the right to access and review any confidential documents necessary to establish my qualifications

for buyout assistance. The applicants shall understand that documents submitted to the Trust are public records. They will submit the correct and complete application to the Trust for its consideration and, by signature, commit that they are interested in receiving an offer for buyout assistance from the Trust. The certification statement is included on the application. All applications must be signed in the presence of a notary public. Consideration will be given to provide such notary public to the residents at defined dates and times.

5.2.1 Application Guidelines

Applications must be fully completed to be considered by the Trust. The KDHE Project Manager shall work with the applicants to ensure shortcomings in the application are completed prior to consideration by the trustees. The following general guidelines are provided.

- Any applicant who wishes to be moved to a lower priority or be taken out of the buyout is encouraged to submit a written notification to the Trust or KDHE Project Manager.
- Groups of applicants who wish to be bought out together, such as families or caregivers and those in their care, may be bought out based on the lowest priority assigned to any applicant in that group. Such a request shall be submitted in writing to the Trust or KDHE Project Manager by all applicants within said group.
- Special circumstances that require investigation will be addressed by the KDHE Project Manager on approval of the Trust. If the matter is not resolved by that investigation it will be referred to the KDHE Program Manager for review. The KDHE Program Manager will review the situation and present the findings to the Trust for approval or rejection. The Trust or its designees may require additional proof of occupancy or ownership of structures beyond that submitted with the buyout application.
- In order to qualify for the buyout, a church should provide a federal tax exemption certificate, tax return for 2010 demonstrating its status as an organized church, or other proof of organization as a church. Churches must also be able to provide clear, marketable title for the property, if applicable.
- A home-based business will be appraised as a business only if that is the predominant use of the structure. In general, a residential designation will be more favorable for the applicant.
- Any issues or concerns raised regarding another applicant will be handled appropriately by the KDHE Project Manager and Trust, but resolution of such issues will not be addressed to the complainant.

5.3 Appraisal

Properties with properly completed applications will be approved by the Trust for relocation assistance consideration. Three comparable property appraisals will be completed for properties with approved applications. Appraisers will be selected through a bid process to be coordinated by the Trust. All appraisals must be based on communities in Cherokee County, Kansas.

Appraisal reports will not be released to the applicants in order to protect the confidentiality of appraisal value determinations. Portions of the report may be presented during the offer meetings as determined by the Trust.

5.4 Property Reports

The KDHE Project Manager will assist the trustees by preparing property reports for each application being considered for the designated phase. The report may include, but not be limited to relevant property information (application, additional info, etc.), photos and appraisals. The property reports will be completed in enough detail that trustees will be able to make a decision regarding an acquisition price. Additional information will be added to the property report as the acquisition process continues and a purchase is agreed upon or the owner rejects the offer.

5.5 Acquisition Guidelines

Per K.S.A. 49-517, determinations made by the Trust pursuant to the assistance program including, but not limited to, determinations as to what constitutes the average rental cost of comparable housing, the average cost of comparable properties, the eligibility of any person for assistance and the determination of the proper amount of such assistance, if any, shall be committed to the sole discretion of the Trust based on the information available to it and shall not be subject to judicial review. Relocation assistance is available only to those residing in the Treece Relocation Area.

A Trust designee will submit the Trust's offer in writing to the applicant. The applicant may request a meeting be scheduled at the applicant's convenience to review the offer and appraisal report. Meetings are anticipated to be held at the Treece City Hall, but may be made at the applicant's home for special circumstances as approved by the Trust. Offers are expected to be non-negotiable; although applicants will be able to seek answers to questions or concerns they may have about their appraisal during the meeting. Applicants will be given at least 30 days to accept or reject the offer.

Where application for relocation assistance is made by one of multiple owners or lessees of a particular property or rental unit, the sum of all payments for acquisition of such property shall not exceed the amount that would have been paid had the property belonged to a single owner, and the sum of all rental assistance shall not exceed the amount that would have been paid had the unit been rented by a single lessee.

Per K.S.A 49-514(g), if a home or the premises of a business or nonprofit organization is a movable structure and the Trust grants relocation assistance to the owner pursuant to this section, the Trust, in its discretion, may pay the cost of relocating such structure in lieu of other assistance authorized in this section if the cost of relocating the structure does not exceed the amount of such other assistance.

Per KSA 49-514 the following guidelines will be followed when considering acquisition of property.

5.5.1 Residential Renters – K.S.A. 49-514(a)

- 5.5.1.1 Occupancy on or before March 13, 2006:** For individuals who rented and resided in their homes continuously since at least March 13, 2006, and who can produce a valid rental contract or other proof of rental arrangement, the Trust shall provide relocation assistance in an amount equal to the average cost of 12-months' rent for comparable housing elsewhere in the county where the affected community is located. The Trust, in its discretion, may provide such assistance in

periodic payments and not in a single lump sum. In addition, such individuals may receive not more than \$1,000 for moving expenses.

- 5.5.1.2 Occupancy after March 13, 2006:** For individuals who began renting and residing in their homes after March 13, 2006, and who can produce a valid rental contract or other proof of rental arrangement, the Trust, in its discretion, may provide relocation assistance and moving expenses in amounts not exceeding those authorized in subsection 5.5.1.1.

5.5.2 Residential Owners – K.S.A. 49-514(b)

- 5.5.2.1 Ownership on or before March 13, 2006:** Subject to the provisions of subsection 5.5.7, for individuals who have owned and resided in their homes continuously since at least March 13, 2006, the Trust may purchase their homes, including the land on which their homes are located, for an amount equal to the average cost of comparable housing elsewhere in the county where the affected community is located. In addition, such individuals may receive not more than \$1,000 for moving expenses.

- 5.5.2.2 Ownership after March 13, 2006:** Subject to the provisions of subsection 5.5.7, for individuals who own and reside in their homes beginning after March 13, 2006, the Trust, in its discretion, may purchase their homes, including the land on which their homes are located, for an amount equal to the price paid for the home plus 5% per year, uncompounded, since the year of purchase and moving expenses in amounts not exceeding those authorized in subsection 5.5.2.1.

5.5.3 Business Renters – K.S.A. 49-514(c) – Includes Churches

- 5.5.3.1 Occupancy on or before March 13, 2006:** For persons who have rented the premises of and operated their businesses or nonprofit organizations continuously since at least March 13, 2006, and who can produce a valid rental contract or other proof of rental arrangement, the Trust shall provide relocation assistance in an amount equal to the average cost of 12-months' rent for comparable premises elsewhere in the county where the affected community is located. The Trust, in its discretion, may provide such assistance in periodic payments rather than in a single lump sum. In addition, such persons may receive not more than \$2,000 for moving expenses.

- 5.5.3.2 Occupancy after March 13, 2006:** For other persons who began renting the premises of and operating their businesses or nonprofit organizations after March 13, 2006 and who can produce a valid rental contract or other proof of rental arrangement, the Trust, in its discretion, may provide relocation assistance and moving expenses in amounts not exceeding those authorized in subsection 5.5.3.1.

5.5.4 Business Owners – K.S.A. 49-514(d) – Includes Churches

- 5.5.4.1 Ownership on or before March 13, 2006:** Subject to the provisions of subsection 5.5.7, for persons who have owned the premises of and operated their businesses or nonprofit organizations continuously since at least March 13, 2006, the Trust shall purchase the premises, including the land on which the premises are located, for an amount equal to the average cost of comparable commercial

property elsewhere in the county where the affected community is located. In addition, such persons may receive not more than \$2,000 for moving expenses.

- 5.5.4.2 Ownership after March 13, 2006:** Subject to the provisions of subsection 5.5.7, for other persons who own the premises of and operate their businesses or nonprofit organizations beginning after March 13, 2006, the Trust, in its discretion, may purchase the premises, including the land on which the premises are located, for an amount equal to the price the owner paid for the premises plus 5% per year, uncompounded, since the year of purchase and moving expenses in amounts not exceeding those authorized in subsection 5.5.4.1.

5.5.5 Rental Property Owners (Landlords) – K.S.A. 49-514(e)

- 5.5.5.1 Ownership on or before March 13, 2006:** Subject to the provisions of subsection 5.5.7, for persons who continuously owned rental property since at least March 13, 2006, the Trust, in its discretion, may purchase the rental property for an amount equal to the average cost of comparable rental property elsewhere in the county.
- 5.5.5.2 Ownership after March 13, 2006:** Subject to the provisions of subsections 5.5.7, for persons who continuously owned rental property beginning after March 13, 2006, the Trust, in its discretion, may purchase the rental property for an amount equal to the price paid plus 5% per year, uncompounded, since the year of purchase.

5.5.6 Other Property – Includes vacant land

- 5.5.6.1** Subject to the provisions of subsection 5.5.7.2, in addition to the purchase of property as otherwise authorized by this act, the Trust, in its discretion, may purchase other real property within the affected community to prevent future construction on such property for an amount not exceeding the price the owner paid for such property plus 5% per year, uncompounded, since the year of purchase.

5.5.7 Additional Guidance

- 5.5.7.1** Property owners who choose to move their structure to a new location in lieu of accepting a cash buyout must notify the Trust in writing with at least two quotes for said move, including associated costs to prepare the new site. The Trust may seek verification of moving and site preparation costs from an independent contractor. Those choosing this option will be paid at closing an amount equal to the value of a typical lot elsewhere in the county in exchange for marketable title to the existing site, if owned, in addition to reasonable moving and site preparation costs. In no event shall those choosing this option receive more than the appraised value established for the buyout of their property, and all properties must be cleared within 90 days of offer acceptance unless extended by the Trust.
- 5.5.7.2** As a general matter, the Trust may acquire up to five (5) acres of a site where such land is both contiguous with the structure being acquired and forms an integral part of the site.

5.6 Closing Guidelines

- 5.6.1** Trash Removal: All trash, debris, non-operating automobiles, boats and abandoned/dilapidated structures not factored into the appraisal must be removed from properties being bought out prior to vacating and final inspection. Further, all properties must be mowed prior to vacating and final inspection.
- 5.6.2** Pets/Animals: All pets and other animals must be permanently removed from the property prior to vacating and final inspection.
- 5.6.3** Chemicals & Perishable Items: All chemicals and perishable items must be removed from the property prior to final inspection. KDHE anticipates developing household hazardous waste (HHW) disposal guidelines to help residents understand the requirements for disposal of household chemicals.
- 5.6.4** Item Removal: WITHOUT EXCEPTION, following appraisal of a residence or business, no built-in appliances, built-in air conditioners, carports, sheds, fences, fixtures or other structures may be removed by the owner or renter without the express written permission of the Trust. With written approval prior to the appraisal, the applicant may designate what items they wish to remove so such items will not be include in the appraised value and subsequent proposed acquisition cost.
- 5.6.5** Closing: Once an applicant accepts an offer, the Trust's designees will call applicants to schedule closing on the acquisition at a time that is convenient to both the applicant and the contractor, but in no event later than 90 days after offer acceptance unless a later closing date is authorized by the Trust. In general, 30 days will be allowed for processing and preparation for closing. Checks will be given to applicants at closing, less a \$3,000 security deposit (as explained below) and any other property liens or encumbrances as noted in section 5.6.8.
- 5.6.6** Vacate Property: The time allowed for occupants of residences/businesses/public use structures to vacate their properties will be 90 days after offer acceptance. Renters will have no more than 30 days to vacate after payment. Rental properties must be legally vacant prior to closing with the owner. Any time required beyond 90 days must be authorized by the Trust. The preference of the Trust is to vacate structures as soon as practicable.
- 5.6.7** Security Deposit: As discussed in guideline #5.6.5, a \$3,000 security deposit will be withheld at closing, which will be paid to the applicant upon final inspection of the property once vacated by the applicant and once keys to the property have been secured. Failure to comply with Trust guidelines for closure, or failure to provide keys to the Trust, will result in the forfeiture of this deposit in an amount equal to the costs incurred by the Trust to comply with the guidelines.
- 5.6.8** Overdue Payments: Applicants need to ensure that they are current on all overdue payments, including but not limited to: rent charges/fees, liens, mortgage payments, tax payments, etc. Overdue payments may be collected at closing.

6 Structure Resale

The Trust will establish a program to resell purchased structures for salvage or relocation. The structures to be resold must be structurally capable of being removed from the property or demolished onsite and salvageable materials removed. Structures eligible to be resold include homes, mobile homes, business and public use structures, and out buildings/appurtenances that have resale value. The reasons for the resale program are as follows:

- Some of the mobile homes and wood/metal structures to be bought out are of good quality and can either be moved or disassembled and moved.
- The resale program will provide additional funds for the Trust to continue the buyout.
- Demolition costs to the Trust will be reduced.

6.1 Resale Process

Purchasers shall be responsible for ensuring that all materials associated with the structure are removed from the property. Structures posing a health hazard to the public will be demolished by the purchaser. Structures to be removed must first be deemed safe for occupation by authorized inspectors. Inspections shall include, but not necessarily be limited to asbestos.

- A Bill of Sale will be executed by a representative of the Trust for the purchaser at the time of closure of sale.
- Ownership will transfer from the Trust to the owner at the time of closing.

Liability for the structure transfers from the Trust to the purchaser at the time of sale.

All structures purchased must be removed from the site as soon as possible after closing, but no later than 90 days from the date of sale from the Trust. Exceptions to the purchase and removal dates will be at the discretion of the Trust and/or their designee.

In the event a buyer decides not to remove a structure after receiving the bill of sale, the ownership of the structure will revert back to the Trust. No down payments or escrow money will be returned to the owner by the Trust.

The owner may choose to resell the structure to be removed or demolished to another person. The contractor will be held responsible by the Trust to ensure that all materials are removed from the site by any new owners within the original 90 day time frame.

7 Demolition

Best management practices will be employed to protect the surrounding environment and remaining citizens in the area. Demolition activities may include removal and disposal of all construction and demolition debris, and depending upon funding availability may include: septic system closure, utility relocation, site grading allowing for appropriate drainage, and final restoration of disturbed area to a vegetated condition.

Demolition shall be bid in groups of properties to minimize the cost per property. The KDHE Project Manager may assist the Trust to coordinate grouping properties for demolition.

All structures designated for disposal shall be inspected and mitigated as required by local, state and federal regulations where necessary for asbestos prior to demolition.

Demolition debris shall be disposed of in a manner consistent with all applicable local, state and federal laws and regulations.

Debris shall go to a licensed municipal solid waste (MSW) or construction and demolition (C&D) landfill or other State of Kansas or State of Oklahoma-approved waste disposal site and copies of disposal facility receipts will be prepared and retained by the recipient to document proper disposal.

Best management practices shall be followed to ensure that any activity taken in close proximity to waters of the United States will be protected from incidental pollution from demolition debris or runoff.

Demolition will not include removal of roads.

Utilities will not be completely removed unless the cost of removal and possible relocation is safer and/or more cost efficient than capping portions of the utilities in place. For example: potable water service will likely require capping each individual service line. The cost to reroute a service line to a remaining home from another main may be cheaper than capping multiple lines. Decisions regarding proper utility closure will be addressed on a case-by-case basis and will be dependent on the number of residents that choose to remain in Treece.

8 Long Term Maintenance

The Trust shall restore the purchased property to minimize the cost of long-term care. Demolition activities can be monitored with the assistance of KDHE to ensure proper grading of site to allow for appropriate drainage and final restoration of disturbed area to a vegetated condition. The KDHE Project Manager may help coordinate with the County Extension Service or Natural Resource Conservation Service (NRCS) to develop a site-wide re-vegetation plan using native grasses.

The Trust shall maintain properties, including vegetation management until the land can be conveyed, assigned or transferred to another party for permanent ownership.

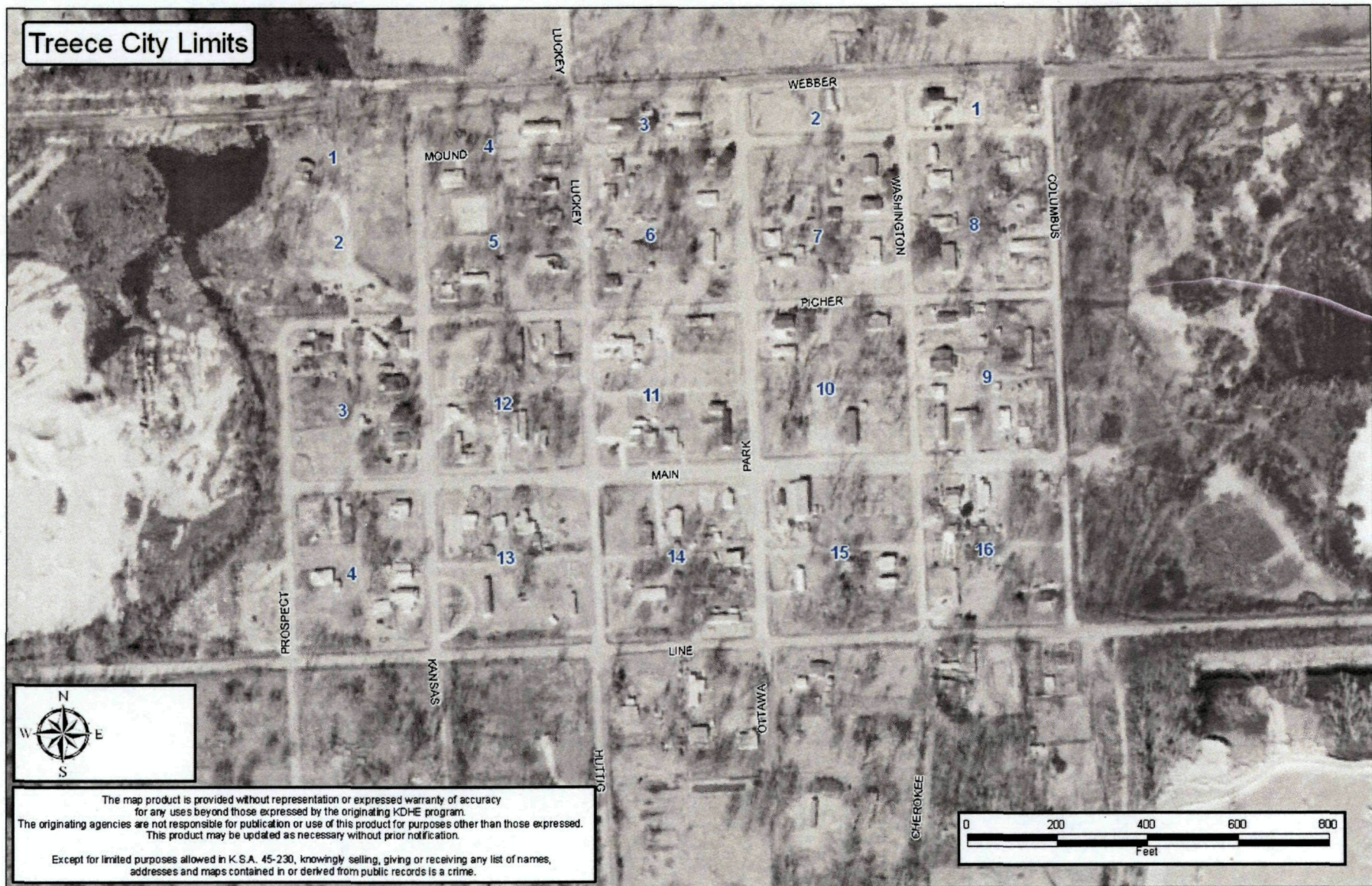
Per K.S.A. 49-514(k), real property acquired by the trust pursuant to the relocation assistance provisions of this act may be utilized or disposed of in accordance with law, in the manner that the trust determines will best serve the state of Kansas and public interest.

Attachment A

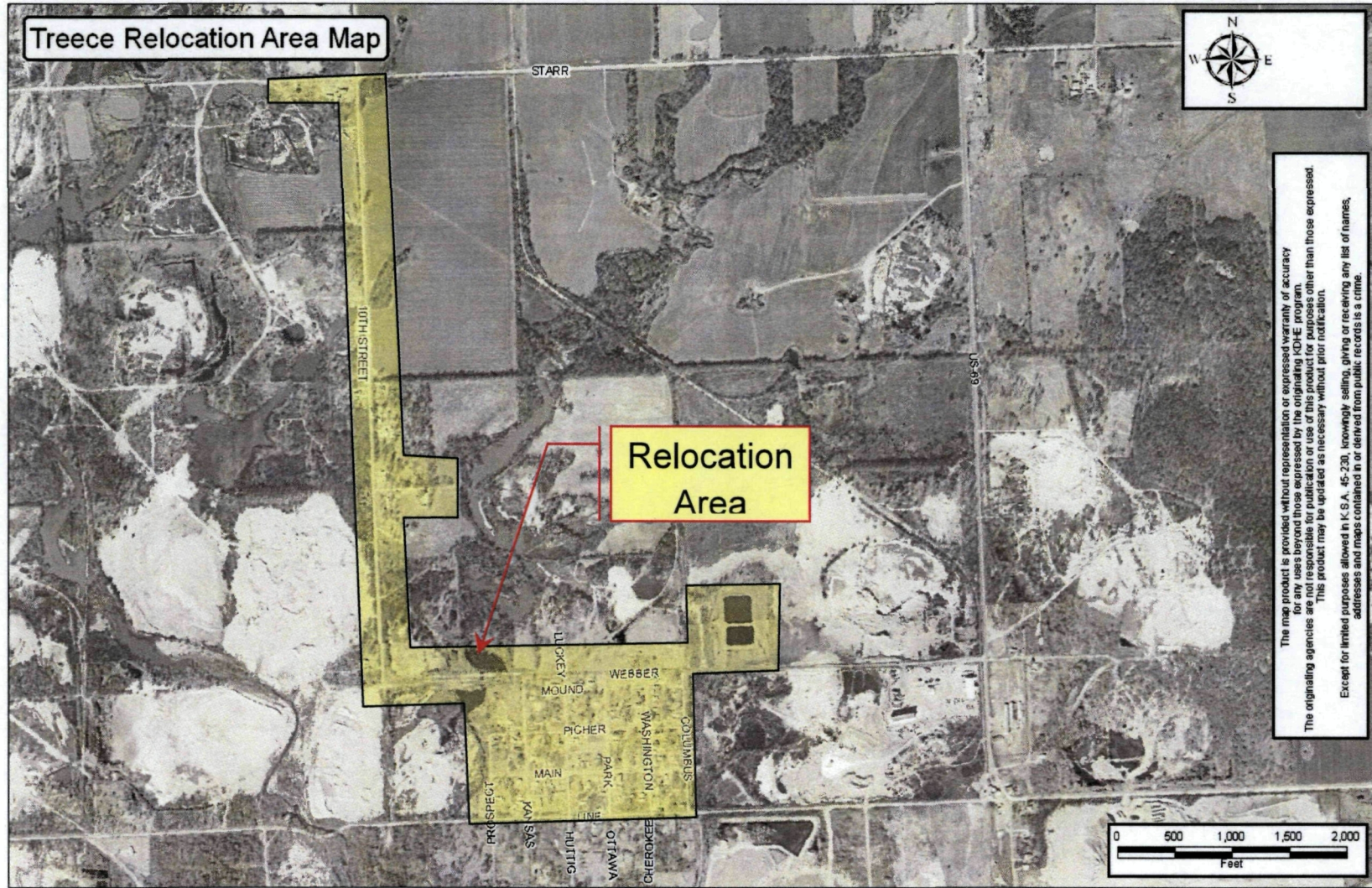
Figure 1 - Treece City Map

Figure 2 - Relocation Area Map

Treece City Limits



Treece Relocation Area Map



The map product is provided without representation or expressed warranty of accuracy for any uses beyond those expressed by the originating KDOT program. The originating agencies are not responsible for publication or use of this product for purposes other than those expressed. This product may be updated as necessary without prior notification. Except for limited purposes allowed in K.S.A. 45-230, knowingly selling, giving or receiving any list of names, addresses and maps contained in or derived from public records is a crime.

Attachment B

Grant Application Documentation

PROPOSED EXPENDITURE REQUESTKansas Department of Health and Environment
Bureau of Environmental Remediation**Treecce Relocation
Assistance Program**
Treecce, KansasTotal pages
in this
request: _____

1. REQUESTOR NAME:	Treecce Relocation Assistance Trust		See completion instructions on reverse side. SUBMIT 2 SIGNED COPIES
2. REQUEST PERIOD:	_____ thru _____		
3. CONTRACT TITLE:	_____		
4. KDHE CONTRACT #:	_____		
EXPENDITURE CLASSIFICATION			Amount
5. TRUSTEE PAY/EXPENSES (per KSA 49-512)			
6. SUPPLIES (list):			
7. CONTRACTUAL (bring forward category totals from attached detail sheet)			
Appraisal:			
Closing:			
Utilities:			
Testing:			
Demolition:			
Maintenance:			
8. RELOCATION ASSISTANCE PAYMENTS:			
Renter:			
Owner:			
9. OTHER (List each item/costs)			
10. REQUEST TOTAL (Add costs in sections 5 through 9)			

The above amounts are in agreement with the anticipated expenditures for the noted reporting period. Please provide supporting information on attached spreadsheets, as needed.

11. AUTHORIZED SIGNATURE: _____

DATE: _____

Form Revised 5/28/10

KDHE USE ONLY:
AUDITED BY: _____

COMPLETION INSTRUCTIONS FOR PROPOSED EXPENDITURE REQUEST FORM

Please note that anticipated costs for KDHE staff should not be included as they will be addressed under a separate cooperative agreement with EPA or paid for out of the KDHE budget.

1. Print or type the name of the organization receiving the grant award.
2. Print or type the request period, listing the months covered by the Request.
3. Print or type the contractual title of the grant award.
4. Print or type the Contract # of the approved contract.
5. Record in the appropriate space(s) the estimated trustee pay/expenses anticipated for the request period.
6. Record in the appropriate space(s) the estimated supplies anticipated for the request period. Supplies should be limited to trust administration tasks. Please list anticipated supplies and attach a separate sheet of supplies, if needed.
7. Record in the appropriate space(s) the estimated contractual costs anticipated for the request period. Contractual costs are those paid to independent contractors or consultants hired by the trust through normal bidding procedures.
 - Appraisal: Please attach a line item list of anticipated costs and addresses of properties to be appraised.
 - Closing: Please attach a line item list of anticipated transaction closure costs and addresses of properties that have accepted the buyout and are scheduled for closing following standard real estate procedures.
 - Utilities: Please attach a line item list of anticipated utility closure costs and addresses of properties scheduled for demolition or structure relocation. Changes to utility lines deemed necessary for remaining structures shall also fit into the Utility category.
 - Testing: Please attach a line item list of asbestos analytical testing costs and the properties needing analytical testing of the structure prior to demolition. Additional analysis may be included if needed to ensure compliance with waste disposal laws.
 - Demolition: Please attach a line item list of properties and their anticipated demolition costs.
 - Maintenance: Please indicate general maintenance needed for property upkeep prior to transfer of property to an approved owner. Examples include: seeding, mowing, weed management, real estate taxes, etc.
 - Include any other contractual costs in the blank lines as appropriate.
8. Record in the appropriate space(s) the estimated renter and owner relocation assistance payments. Please attach a line item list of individuals, properties and the anticipated relocation assistance costs.
9. Record in the appropriate space(s) other anticipated costs not indicated in any of the above-mentioned categories. Please attach supporting information as appropriate.
10. Add costs in sections 5 through 9.
11. The request must be signed and dated by a person authorized by the Trust to sign documents.

Attachment C

Relocation Applications

- Residential
- Non-Residential

Treece Relocation Assistance Trust	Treece, Kansas
Trustees: Gene Bicknell, Chair James Dahmen John Delmont, Jr. Eddie Hamilton Betty McBride	

KDHE Use Only:
 Date Recd. _____
 Date Rev. _____
 Date Apprv. _____

Residential Relocation Assistance Application

I am applying for buyout/relocation assistance as a (check one): ☐ Homeowner ☐ Renter

Legal Name: _____
Please print Last Name First Middle

Co-Applicant: _____
Please print Last Name First Middle

Applicant will be required to provide proof of identity prior to acceptance of buyout offers or rental relocation assistance (e.g. Social Security #).

Physical Address of Residence: _____
Street

Type: ☐ Primary Residence
 ☐ Rental

City Zip Code

Phone # () - _____ ☐ ← Primary # → ☐ () - _____
Home (Please mark one) Mobile

If street address is not available, please provide legal description and driving directions from nearest significant intersection (Applicant may attach copy of pre-written legal description in lieu of this section).

Legal Description: _____

Block/Lot or Subsection/Section/Township/Range

Dates owned or occupied this address: Began on: _____ End On: _____

Comments: _____

Landlord Only: Name of Renter(s): _____

Monthly Rent Charged (average of last 12 months): \$ _____

For Renters Only: Monthly rent (average of last 12 months): \$ _____

Landlord Name: _____

Landlord Address: _____
Street City Zip Code

Landlord Phone # () - _____ ☐ ← Primary # → ☐ () - _____
Home (Please mark one) Mobile

Total number of household occupants (including applicants): _____

Ages of household occupants: _____ _____ _____ _____ _____ _____ _____
occ #1 occ #2 occ #3 occ #4 occ #5 occ #6 occ #7

If residential property includes parcels of land utilized for business purposes (e.g., farms, ranches, rental units, etc.), please complete a COMMERCIAL BUYOUT ASSISTANCE APPLICATION for the portion of your real estate utilized for business purposes.

Please follow instructions and complete information requested on reverse side of form.

Residential Relocation Assistance Application – Page 2

Please attach as part of your application each of the following documents to verify your qualification for buyout assistance. Applicants that are unable to supply any of the requested information must attach a written statement explaining why such information is not available. The Trust will not be able to begin processing your application until it is complete. All documents submitted are subject to verification.

Please initial the un-shaded box of each document included with this application.

	Two of three required			Both required		Required
	Copy of deed to property	Latest county appraisal	Other evidence of title	Copy of rental contract*	Copies of checks or receipts for rent paid in last 6 months	Utility Bill: At least one (1) showing name and address of residence
Homeowner						
Landlord						
Renter						

*Renters may provide copies of other documents proving rental arrangement if no contract exists, such as notarized statement from landlord.

Questions related to this application should be directed to the KDHE Treece Relocation Program project manager at (785) 291-3252. Completed applications will be forwarded to the TRA Trust.

Please note that this application form must be signed in the presence of a Notary Public in order to be considered by the Trust.

I certify under penalties of perjury that all information contained in this application, including all attachments hereto, is correct and complete to the best of my knowledge. I further attest that I resided and continue to reside at the address listed on this application form, which is within the area defined by the Treece, KS Relocation Assistance Trust (Trust). I agree to fully cooperate with the Trust in providing any additional information that may be necessary to verify my qualification for relocation assistance, and hereby grant to the Trust the right to access and review any confidential documents necessary to establish my qualifications for buyout assistance. *I understand that I must agree to move to property on which there is no mining waste and which is not prone to subsidence.* I understand that documents submitted to the Trust are public records. I hereby submit this correct and complete application to the Trust for its consideration and, by my signature, commit that I am interested in receiving an offer for buyout and/or relocation assistance from the Trust.

Signature of Applicant

Date Signed

Signature of Co-Applicant (if applicable)

Date Signed

STATE OF KANSAS

COUNTY OF CHEROKEE

The foregoing instrument was acknowledged before me this ____ day of _____, 2010,

by _____.

Notary Public

My Commission Expires:

Treece Relocation Assistance Trust Trustees: Gene Bicknell, Chair James Dahmen John Delmont, Jr. Eddie Hamilton Betty McBride	Treece, Kansas	KDHE Use Only: Date Recd: _____ Date Rev: _____ Date Apprv: _____
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Non-Residential Relocation Assistance Application

I am applying for buyout/relocation assistance as a (check one): ☐ Owner ☐ Renter

Owner/Mgr. Name: _____
Please print Last Name First M.I.

Owner/Mgr. Title: _____

Co-Applicant Name & Title: _____

Company/Organization Name: _____

Business/Organization Type (Check one): ☐ Sole proprietor ☐ Partnership ☐ Corporation
☐ Estate/trust ☐ 501(c)(3) nonprofit ☐ Other (specify) _____

FEIN #: _____

Physical Address of Property: _____
Street

Type: ☐ Primary Business
☐ Rental

_____ City _____ Zip Code

Phone # () - () - ()
Business (Please mark one) Mobile

If street address is not available, please provide legal description and driving directions from nearest significant intersection (Applicant may attach copy of pre-written legal description in lieu of this section).

Legal Description: _____

_____ Block/Lot or Subsection/Section/Township/Range

Dates owned or occupied this address: Began on: _____ End On: _____

Comments: _____

Landlord Only: Name of Renter(s): _____

Monthly Rent Charged (average of last 12 months): \$ _____

For Renters Only: Please list the amount of your monthly rent \$ _____

Landlord Name: _____

Landlord Address: _____
Street City Zip Code

Landlord Phone # () - () - ()
Home (Please mark one) Mobile

Please follow instructions and complete information requested on reverse side of form.

Non-Residential Relocation Assistance Application – Page 2

Please attach as part of your application each of the following documents to verify your qualification for buyout assistance. Applicants that are unable to supply any of the requested information must attach a written statement explaining why such information is not available. The Trust will not be able to begin processing your application until it is complete. All documents submitted are subject to verification.

Please initial the un-shaded box of each document included with this application.

	Two of three required			Both required		Required
	Copy of deed to property	Latest county appraisal	Other evidence of title	Copy of rental contract*	Copies of checks or receipts for rent paid in last 6 months	Utility Bill: At least one (1) showing name and address of residence
Owner						
Landlord						
Renter						

*Renters may provide copies of other documents proving rental arrangement if no contract exists, such as notarized statement from landlord.

Questions related to this application should be directed to the KDHE Treece Relocation Program project manager at (785) 291-3252. Completed applications will be forwarded to the TRA Trust.

Please note that this application form must be signed in the presence of a Notary Public in order to be considered by the Trust.

I certify under penalties of perjury that all information contained in this application, including all attachments hereto, is correct and complete to the best of my knowledge. I further attest that my business or non-profit organization continues to be located at the address listed on this application form, which is within the area defined by the Treece Relocation Assistance Trust. I agree to fully cooperate with the Trust in providing any additional information that may be necessary to verify my qualification for relocation assistance, and hereby grant to the Trust the right to access and review any confidential documents necessary to establish my qualifications for buyout assistance. ***I understand that I must agree to move to property on which there is no mining waste and which is not prone to subsidence.*** I understand that documents submitted to the Trust are public records. I hereby submit this correct and complete application to the Trust for its consideration and, by my signature, commit that I am interested in receiving an offer for buyout and/or relocation assistance from the Trust.

Signature of Applicant

Date Signed

Signature of Co-Applicant (if applicable)

Date Signed

STATE OF KANSAS

COUNTY OF CHEROKEE

The foregoing instrument was acknowledged before me this ____ day of _____, 2010,

by _____.

Notary Public

My Commission Expires: